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Attorney for Plaintiff

## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

\* \* \*

WILLIAM HERRON, an individual,

Plaintiff, CASE NO.

VS.

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PERI & SON'S FARMS, INC., a domestic corporation,

Defendant.

Plaintiff, for his complaint against Defendants, complains and avers as follows:

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1331 and §1367.

COMPLAINT AND JURY DEMAND

- 2. Plaintiff resides in Lyon County, Nevada. He exhausted his administrative remedies timely and timely sues within 90 days after receipt of his right to sue from the EEOC.
  - 3. Defendant does business in Yerington, Lyon County, Nevada.
- 4. Plaintiff was employed by Defendant from December 8, 2011, until he was "laid-off" effective January 17, 2012, from his position as a mechanic.
- 5. A few days prior to Plaintiff's termination, Plaintiff was requested to perform dash work. Plaintiff advised his supervisor he was unable to complete the task due to his disability.
- 6. On January 17, 2012, the shop supervisor advised Plaintiff he was being laid off due to budget cuts. This was a pretext for disability discrimination. Shortly after his "lay-off", Defendant placed an advertisement for his position on the internet.
- 7. Plaintiff could perform the essential functions of his position with or without reasonable accommodation.

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8.	Plaintiff	was	satisfactorily	performing	his	job	consistent	with	the	legitimate
expectations	of the em	nlove	ar							

- Plaintiff was requested to do something outside his regular job duties, and 9. requested a reasonable accommodation, Defendant failed to interact with Plaintiff as required under the law.
- As a result of the termination of Plaintiff's employment and the failure to 10. reasonably accommodate him, Plaintiff has suffered and will continue to suffer emotional distress, mental anguish, humiliation, embarrassment, harm to reputation, loss of enjoyment of life and career, as well as past and future special damages, including wage loss, benefit loss and seniority loss, as well as lost retirement benefits, all in sums exceeding \$10,000 in amount.
- The conduct of the Defendant was willful, deliberately indifferent to Plaintiff's 11. rights, oppressive, and malicious, entitling Plaintiff to an award of punitive damages in a sum exceeding \$10,000 in amount.
  - Plaintiff is entitled to reasonable attorney's fees and costs of suit. 12.

## FIRST CLAIM FOR RELIEF

- 13. Plaintiff refers to and by such reference incorporates herein each, every and all averments contained in paragraphs 1-12 hereinabove as though fully set forth at this point.
- 14. The aforementioned conduct subjects the Defendant to liability under the Americans With Disabilities Act, 42 U.S.C. §12112, entitling Plaintiff to all of the aforementioned damages.

WHEREFORE, Plaintiff prays for judgment in his favor and against Defendant for all of the aforementioned relief, reasonable attorney's fees and costs of suit, and such other and ///

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further relief as the Court deems just and proper.

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1	The undersigned does hereby affirm that the preceding document DOES NOT contain
2	the Social Security Number of any person.
3	DATED this 11 <sup>th</sup> day of February, 2013
4	LAW OFFICE OF
5	JEFFREY A. DICKERSON
6	/S/ Joffroy A. Dickorson
7	/S/ Jeffrey A. Dickerson JEFFREY A. DICKERSON
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